

MINUTES

ISLANDS PLANNING COMMISSION

APRIL 15, 2014 - 6:00 P.M.

The Casino Bldg., 530 Beachview Drive, SSI

MEMBERS PRESENT: John Dow, Chairman
Paul Sanders, Vice Chairman
Stan Humphries
Preston Kirkendall
William Lawrence
Robert Ussery

ABSENT: Oliver Seabolt

STAFF PRESENT: David Hainley, Community Development Director
Eric Landon, Planner II
Cayce Dagenhart, Planner II
Janet Loving, Admin/Recording Secretary

ALSO PRESENT: Commissioner Dale Provenzano, BOC

Chairman Dow called the meeting to order and the invocation was given, followed by the Pledge of Allegiance. He then gave a brief recap of the rules, voting procedure and audience participation in discussing agenda items.

SP2780 Villas at Gascoigne: Consider approval of a site plan for the development of three condominium buildings on the east side of Arthur J Moore Drive, just north of Hamilton Road. The property is 3.64 acres and zoned Resort Residential (RR). Parcel ID: 04-13672, 04-01712. Johnathan Roberts, agent for Vassa Cate, owner.

Mr. Johnathan Roberts was present for discussion.

According to the staff's report, this site is located on the Island's Future Development Map and is shown as medium density residential on the adopted Future Land Use Map. The applicant is proposing to construct three condominium buildings consisting of 54 units and 127 sleeping rooms on 3.64 acres.

Under Section 619.4 (a) of the Zoning Ordinance, the Planning Commission's review shall be guided by the following standards and criteria:

- 1) The application, site plan, and other submitted information contain all the items required under this Section. **Staff comment: This requirement has been met.**
- 2) The proposed uses, buildings and structures are in accordance with the requirements of this ordinance and other ordinances of Glynn County. **Staff comment: This requirement has been met.**
- 3) Adequate provisions are made for ingress and egress, off-street parking, loading, and the flow of traffic, which may reasonably be anticipated. **Staff comment: This requirement has been met. Parking and loading spaces are provided on site. The parking shown in the right-of-way is not required.**
- 4) Adequate provisions are made to control the flow of storm water from and across the site. **Staff comment: This requirement has been met subject to review by Engineering as part of the building permit process.**
- 5) Adequate provisions are made to protect trees that are selected to remain as depicted on the site plan. **Staff comment: Existing trees are shown on the plan. A tree canopy calculation is also provided.**
- 6) Adequate provisions are made to buffer intensive uses and to screen all service areas from view of the adjacent properties and streets. **Staff comment: Buffers are not required. This project is adjacent to rights-of-way and other RR zoned property.**
- 7) Adequate provisions are made to control the location, intensity, and direction of all outdoor lighting so that it will not have an adverse effect upon adjoining properties. **Staff comment: The applicant will be required to meet this provision at all times.**
- 8) Open space, as required, has been provided and appropriate means are proposed to assure maintenance of common areas and facilities. **Staff comment: Not applicable.**
- 9) Adequate provisions are made for water supply, fire protection, and sewage collection and treatment. **Staff comment: This project is approved by the fire department and will be served by JWSC utilities.**

Mr. Landon stated that staff recommends approval of *SP2780* Villas at Gascoigne subject to meeting all requirements during the development process.

Chairman Dow asked Mr. Landon to explain the parking issue. Mr. Landon stated that the Commission has to approve private parking on public right-of-way. Parking is shown but would not be approved as part of this site plan.

Mr. Sanders pointed out that directly across the street from the proposed property is a historic slave cabin. He asked if any portion of that particular property have a connection to the applicant's property. Mr. Hainley replied no, not that staff is aware of.

Chairman Dow asked for an explanation about buffer requirements in accordance with staff's findings of fact. Mr. Landon stated that buffers are not required in this case. The adjacent use is compatible, and the zoning for all of the property in this particular area is Resort Residential. Mr. Ussery pointed out that Epworth by the Sea is located on the northern side and is zoned PD.

Chairman Dow asked if this request meets all of the requirements for setbacks, site coverage, height and parking on the site. Mr. Landon replied yes. As a point of correction, Mr. Landon stated that there is a buffer shown on the site plan to the north.

Mr. Humphries stated that it is very difficult for him to read the site plan because the print is too small. Mr. Hainley stated that perhaps for future reference staff could request larger drawings in a size 11x17. He explained that usually staff doesn't request very large full size documents unless the item is very complicated. However, this particular submittal was fairly simple. Mr. Ussery stated that if the plans were larger the print would be more legible.

Mr. Johnathan Roberts of Roberts Civil Engineering stated that he along with Messrs. Bill Edenfield, Bobby Shupe and Larry Bryson are here on behalf of the applicant to answer questions and to address any public concerns.

Mr. Ussery asked if this project was planned as a comprehensive project when the first building was constructed. Mr. Roberts stated that he doesn't believe that it was because the ownership of the original project did not have access to the property. Mr. Ussery then asked if this project consists of two separate associations. Mr. Roberts replied yes and although it has not been established yet, the project will be governed by covenants, restrictions and by-laws.

Mr. Humphries reiterated his concerns about the difficulties he had reading the site plan, but from what he can determine, there are about 28 trees to be removed. However, he doesn't see any plans for what the frontage would be along Arthur Moore Drive. Mr. Roberts stated that he was made aware yesterday that there were two trees that were not on the original survey. He stated that they are using a survey for this site plan that is several years old, but he did receive an updated survey from Mr. Shupe that shows two large trees in the right-of-way of Arthur J. Moore. He pointed out that Mr. Hainley has an updated site plan that reconfigures the parking along Arthur J. Moore to save the trees. He stressed that they have no intentions of cutting down those trees. As noted by staff, Mr. Roberts stated that the parking along Arthur J. Moore cannot be

put in even if the Planning Commission were to grant approval tonight because it has to go to the Board of Commissioners. It was the owner's intent to show this as parking for visitors. Mr. Humphries asked if the natural vegetation would be cleared out along Arthur J. Moore. Mr. Roberts stated that the underbrush would be cleared but none of the trees along the right-of-way can be cleared. The trees cannot be taken down as part of the project unless approved by the Tree Board. Again, he stressed that it is not their intention to remove any trees along the right-of-way. However, Mr. Humphries stated that there is intent to remove 28 trees. Mr. Roberts agreed but he explained that the tree canopy requirements are shown on the site plan and they have met those requirements with the retained existing trees.

Chairman Dow asked if there would be a secured gate at the development site. Mr. Roberts replied yes, which is the basis for having the parking along Arthur J. Moore. He also stated that there would be 18 additional parking spaces underneath each building.

Chairman Dow reminded everyone that this is not a public hearing item but as always, he would allow for public comments or questions at this time.

Mr. Dick Moser, President of the Homeowners Association for the Villas at Frederica River, introduced two other board members; Ms. Cheryl Moran and Mr. Mark Kase. Mr. Moser stated that there are many positive aspects to this project, but he does have some significant concerns, i.e., traffic flow, stormwater run-off, protection of trees and buffers. He stated that he and other members of the Homeowners Association met with Mr. Larry Bryson and he is very confident that they will have a positive working relationship with the architect, the owner, and others involved with this project.

Regarding the traffic flow, Mr. Moser stated that there are at least two hours of the day when traffic is problematic; in the mornings when people are going to work and in the afternoons when they return home. He stated that the only access road in the area in question is Hamilton Road. Traffic coming down or up Sea Island Road in the afternoon makes it virtually impossible to make a left-turn. Mr. Moser inquired as to whether or not a traffic study had been done particularly focusing on the intersection between Hamilton Road and Sea Island Road. He stated that by the time the three proposed buildings are constructed there will be a significant problem. He stated that they have discussed a possible solution for the traffic problems, such as redirecting the entry and exit point to the north side of the applicant's building and constructing a road that would come directly out to Sea Island Road. He stated that this would not eliminate the number of vehicles that would be using Sea Island Road but it would limit the number of vehicles coming out of Hamilton Road.

Mr. Moser stated that one of their major problems over the last two years has been how to deal with drainage and stormwater run-off. He stated that they have discussed the drainage issues with the architect and perhaps the new site plan will show a retention pond, which would help to eliminate the drainage problems. He also hopes that the new site plan will show the location of the trees, especially the large live oak trees. He is very

concerned about the number of trees that will be removed and hopefully with the new site plan they will have a better reality about the future of the existing trees.

Mr. Moser's last concern was about the buffer, which he stated comes back to the concept of the exit for Gascoigne Condos being directly adjacent to the east side of their property. He stated that if this is not done carefully it could become a three-lane highway right next to their building. He trusts that the feedback from Mr. Bryson is accurate and well thought-out, but they were hoping for a better buffer for the units on the east side of their building. He stated that looking out at a three-lane highway would be problematic for them.

Mr. Moser stressed that they are the only full-time residents living in the area among a medical building, Gascoigne Park, a boat marina, etc. and they are particularly concerned about the number of vehicles that would be using Hamilton Road. "It is very important for them to maintain a quality environment."

In response, Mr. Roberts stated that the issues outlined by Mr. Moser are zoning points. However, the property is already zoned and the applicant has met the requirements for setbacks, height, parking and the tree canopy as defined in the Zoning Ordinance. The traffic problem on Hamilton Road is also a zoning issue and it does not come up in their ability to meet the requirements set for this particular piece of property.

Mr. Roberts stated that stormwater run-off will be addressed during the engineering phase. He pointed out that they do have a plan to tie into the existing county system, but if there is no capacity in the county system, they will have to detain on site. They are in the process of having a storm drainage pond designed on the property to the east, which they will utilize if there is no capacity in the county system. He reiterated however that all of these issues will be worked out during the engineering phase of the development.

Mr. Roberts stated that they are showing the buffer on the northern property boundary as required by the ordinance. Also, Gascoigne Road meets the Subdivision Regulations for Glynn County. Additionally, he stated that there is a fairly large oak tree in the right-of-way that they have put a median around in an effort to save the best tree along that particular stretch of property.

Mr. Joel Willis, Chief Operating Officer at Epworth by the Sea, stated that he is not speaking for or against this project, but he does have concerns about the hazardous traffic situation at Hamilton Road and Sea Island Road. He stated that whatever the developers do on the property will create more traffic problems and he doesn't want the traffic diverted or flowing through Epworth by the Sea, which he stated will happen with people trying to avoid the bottleneck effect of the traffic. He pointed out that most people don't realize that Arthur Moore Drive down to Lady Huntington is a private road. He stated that they have discussed the possibility of putting a gate around the property but decided against it because of the beautiful entrance. With all of the new development

proposed for the area, Mr. Willis feels that the county should perhaps solicit help from traffic engineers in an effort to solve the traffic problems.

Chairman Dow wanted to know if there is a plan for the Traffic Engineering Department to evaluate the area in question. Mr. Hainley didn't know of a current plan but he stated that the engineering staff could review the whole parcel development and the density. They could also review the overall plan because Epworth has a master plan that allows additional developments in the area.

At the end of discussion, a motion was made by Mr. Robert Ussery to approve **SP2780**, Villas at Gascoigne, subject to meeting all requirements during the development process. The motion was seconded by Mr. Preston Kirkendall and unanimously adopted.

Chairman Dow read the following agenda items into the record to be discussed simultaneously with each requiring separate action:

SP2808 Mellow Mushroom: Consider approval of a site plan for the development of a restaurant at 440 Kings Way. The property is zoned VMU (Village Mixed Use) and is located in the Island Preservation District. Parcel ID: 04-04463. Bo Chambliss, owner.

CUP2776 Mellow Mushroom: Consider a request for a conditional use for a restaurant at 440 Kings Way. The property is zoned VMU (Village Mixed Use) and is located in the Island Preservation District. Parcel ID: 04-04463. Bo Chambliss, owner.

VP2809 Mellow Mushroom: Consider approval for the development of a restaurant at 440 Kings Way. The property is zoned VMU (Village Mixed Use) and is located in the Island Preservation District. Parcel ID: 04-04463. Bo Chambliss, owner.

Mr. Bill Edenfield and Mr. Chambliss were present for discussion.

Mr. Landon explained that staff received three separate applications, Site Plan, Conditional Use Permit and Village Preservation, all for the same parcel of land and for the same request, a freestanding restaurant consisting of 6,668 sq. ft. of indoor/outdoor space. The applicant has provided two options for parking; Plan "A" and Plan "B." Plan "A" uses the existing property and Plan "B" provides for additional parking if the abandonment of the front right-of-way is approved. The Board of Commissioners will review the request for abandonment. The restaurant requires 42 spaces and the two plans provide for 28 and 34 spaces respectively. The applicant is also asking for permission to reduce the required parking. A reduction of 25% may be approved by the Planning Commission in accordance with Section 611 of the Glynn County Zoning Ordinance. This would yield a maximum variance of 10 spaces, making Plan "A" noncompliant with parking and Plan "B" compliant with the parking requirements. The intent of the

reduction is to preserve green space on the site, in addition to preserving two large live oak trees. Mr. Landon pointed out the off-site parking and explained that according to zoning for the village, parking spaces are allowed within a reasonable walking distance and can be used for off-site parking for a proposed use. There is other public on-site and off-site parking in the area. He stated that the proposed elevation, which indicates the way the building will appear, is part of the site plan and the village preservation application.

The following Zoning Ordinance Sections, as part of staff's the findings of fact, were included in the packages for review and are contained in the files of the Community Development Office: Section 619.4 (a) Site Plans (*SP2808*); Section 1103 Conditional Use Permits (*CUP2776*); and Section 709.4 Island Preservation District (*VP2809*).

Mr. Landon pointed out that staff has three separate recommendations as follows:

- 1) Staff recommends approval of application *CUP2776* to permit a restaurant in the Village Mixed Use zoning as a conditional use.
- 2) Staff recommends approval of Site Plan B for *SP2808* with the reduction in the number of required parking spaces not to exceed 25% of the required number of spaces and subject to meeting all requirements during the development process. If the right-of-way abandonment is unsuccessful, the applicant can seek a variance or reduce patron space.
- 3) Staff finds that the proposed building meets the design requirements for construction in the Village Preservation District and therefore recommends approval of application *VP2809* to allow a freestanding restaurant at 440 Kings Way.

Mr. Ussery wanted to know the size of the restaurant that was previously located on the site. Mr. Hainley stated that the previous restaurant was approximately 11,000 square feet. Mr. Ussery stated that the VMU Zoning District refers to alterations to a structure (relative to off-street parking). This proposal is obviously a big alteration in that the previous building has been demolished and another building is being constructed, but nevertheless, an alteration could be construed as a new structure. If that were the case, the amount of parking that was previously on site would suffice for the new structure. Mr. Hainley agreed. Mr. Ussery stated that in this case, any issue regarding reducing the parking because of the trees becomes a moot point because the applicant would be using the previous parking. Mr. Hainley agreed and stated that the applicant is utilizing an area that was covered by a footprint for additional parking under this proposal which was not available for the previous structure. He elaborated on the previous use (Blanche's Courtyard) as well as an adjacent condominium structure that was originally developed as a PD Text but was rezoned when the VMU Zoning District was established. Mr. Humphries asked for an explanation as to how the previous development ties in with this application. Mr. Hainley explained that there were issues with buffers between the two different uses. He stated that there was no buffer required for Blanche's Courtyard and the condominium development.

Mr. Humphries stated that if there is a current parking problem in the Village, he feels that adding to the problem is not moving toward solving the problem. Mr. Ussery stated that there has always been a parking problem in the Village, but the size of the proposed structure is much smaller than the previous structure, and in essence, it is alleviating some of the parking problems. Mr. Humphries disagreed. However, Mr. Ussery pointed out that the VMU District was written for the purpose of preserving the Village with the understanding that there is a parking problem. Mr. Humphries feels that this situation is similar to the IDAC building where we're trying to fit something that's too large in a space that's too small.

Chairman Dow stated that in his opinion, it is not appropriate for the county to abandon county property to a private individual to meet public requirements. If this is allowed, he feels that it merely pushes the real problem down the road especially in this particular area. In the past, allowing exceptions was problematic. He pointed out that behind this proposed site on Lord Avenue there are anywhere from seven to ten dumpsters. Chairman Dow stated that he asked Mr. Edenfield if he would consider putting a compactor on the property and work in conjunction with the county to remove all of the dumpsters and instead, have a centralized area for compaction. He stated that this would probably create 10 to 15 parking spaces once the dumpsters are removed.

Mr. Hainley stated that using a compactor in a centralized area has been tried and failed. However, Chairman Dow stated that the previous use was retail. He feels that it could work in this case, which is what he would prefer as opposed to an abandonment. Mr. Hainley pointed out that the applicant has advised that they're not going to seek an abandonment. They will put the parking spaces on the right-of-way and would not be restricted to the use of this facility. It would remain public but not for their exclusive use.

Chairman Dow stated that it appears that site coverage, setbacks, parking and height appear to be the issues at hand. Mr. Edenfield stated that all of those items are compliant with the ordinance. He stated that the applicant is interested in providing a solution that would accommodate the neighborhood and they are not adverse to ideas. He explained that this plan indicates a parking deficit of eight spaces. There are 42 parking spaces required by code. This proposal has 34 parking spaces in proximity to the building, some of which are actually in the right-of-way but they were put in to serve the building. Mr. Edenfield stated that although they do not want to remove any of the trees, if they were allowed to remove the two large trees located on the site, this would permit them to utilize the space for additional parking. He stated that with an engineered plan, the applicant is receptive to making other improvements, at his expense, which would allow him to gain additional parking. He stated that they are also receptive to eliminating all of the dumpsters by providing a location on site for a compactor. However, he was advised by Ms. Becky Rowell, Public Works Director, that this idea was initiated before but it failed, as pointed out earlier by Mr. Hainley.

Mr. Lawrence asked that if they were to remove the dumpsters, would this provide perpendicular or horizontal parking. Mr. Edenfield stated that this would provide parallel parking.

Due to a previous commitment, Mr. Stan Humphries excused himself from the meeting at this time. However, before leaving, he stated that he likes the changes that Mr. Edenfield is proposing.

At this time, Chairman Dow opened the floor for public comments beginning with Mr. Clark Isaac who was appointed spokesperson to represent the owners of Villa Village Condos. Mr. Isaac delivered an in-depth presentation consisting of seven pages acknowledging opposition to this request. (This document is contained in file number *CUP2776* in its entirety.) Concerns expressed by Mr. Isaac included noise, lighting, parking, patron space, buffers, lack of enforcement, fire protection, and inconsistencies in the plan and in staff's comments. Mr. Isaac strongly urged that the Conditional Use Permit for Mellow Mushroom be postponed or withdrawn until all of these concerns are properly addressed to everyone's satisfaction.

During a brief rebuttal, Mr. Edenfield explained that there is another layer of review; however, most of the issues pointed out by Mr. Isaac have been addressed and are outlined in the site plan application. Also, Mr. Chambliss took this opportunity to re-assure the residents of his amicable intentions for the site.

Mr. Donald Lawson of Unit 100 Villa Village Condos expressed concerns about how deplorable the dumpster site was when the previous restaurant was in the area and the noise associated with the restaurant. He stated that he was very vigilant in his efforts toward monitoring the previous establishment and the owners with some positive results. Chairman Dow asked Mr. Chambliss to work with Mr. Lawson in an effort to obtain positive results in this case as well.

There being no further discussion, Chairman Dow reminded the members that separate action is required for this agenda item beginning with the Conditional Use Permit.

Conditional Use Permit

A motion was made by Mr. Robert Ussery to approve application *CUP2776* to permit a restaurant in VMU Village Mixed Use zoning as a conditional use. The motion was seconded by Mr. Preston Kirkendall. Voting Aye: Mr. John Dow, Mr. Preston Kirkendall, Mr. Paul Sanders and Mr. Robert Ussery. Abstained From Voting: Mr. William Lawrence. Absent: Mr. Oliver Seabolt. Mr. Stan Humphries was no longer in attendance. The motion carried for approval.

Site Plan Application

A motion was made by Mr. Robert Ussery to approve application *SP2808* subject to 1) meeting the parking requirements of Section 715.58 for off-street parking in the VMU District; 2) subject to the applicant improving the right-of-way in front of the property and in the triangular tract fronting on Kings Way and Ocean Boulevard to acquire as many parking spaces as possible; and 3) subject to maintaining the four specimen oak trees on site. The motion was seconded by Mr. William Lawrence and unanimously adopted.

Village Preservation Application

A motion was made by Mr. Robert Ussery to approve application *VP2809* to allow a freestanding restaurant at 440 Kings Way. The motion was seconded by Mr. William Lawrence and unanimously adopted.

There being no further business to discuss, the meeting was adjourned at 8:15 p.m.